

E-filed on November 30, 2006

Marc A. Levinson (California Bar No. 57613)
 Lynn Trinka Ernce (California Bar No. 179212)
 ORRICK, HERRINGTON & SUTCLIFFE LLP
 400 Capitol Mall, Suite 3000
 Sacramento, CA 95814-4497
 Telephone: (916) 447-9200
 Facsimile: (916) 329-4900
 Email: malevinson@orrick.com;
lernce@orrick.com

Bob L. Olson (Nevada Bar No. 3783)
 Anne M. Loraditch (Nevada Bar No. 8164)
 BECKLEY SINGLETON, CHTD.
 530 Las Vegas Boulevard South
 Las Vegas, NV 89101
 Telephone: (702) 385-3373
 Facsimile: (702) 385-5024
 Email: bolson@beckleylaw.com;
aloraditch@beckleylaw.com

*Attorneys for the Official Committee of Equity
 Security Holders of USA Capital Diversified Trust
 Deed Fund, LLC*

**UNITED STATES BANKRUPTCY COURT
 DISTRICT OF NEVADA**

In re:
 USA COMMERCIAL MORTGAGE COMPANY,
 Debtor.

In re:
 USA CAPITAL REALTY ADVISORS, LLC,
 Debtor.

In re:
 USA CAPITAL DIVERSIFIED TRUST DEED
 FUND, LLC,
 Debtor.

In re:
 USA CAPITAL FIRST TRUST DEED FUND, LLC,
 Debtor.

In re:
 USA SECURITIES, LLC,
 Debtor.

Affects:
☐ All Debtors
☐ USA Commercial Mortgage Company
☐ USA Securities, LLC
☐ USA Capital Realty Advisors, LLC
☒ USA Capital Diversified Trust Deed Fund, LLC
☐ USA First Trust Deed Fund, LLC

Case No. BK-S-06-10725 LBR
 Case No. BK-S-06-10726 LBR
 Case No. BK-S-06-10727 LBR
 Case No. BK-S-06-10728 LBR
 Case No. BK-S-06-10729 LBR

Chapter 11

Jointly Administered Under
 Case No. BK-S-06-10725-LBR

**NOTICE OF HEARING OF OMNIBUS
 OBJECTION OF THE OFFICIAL
 COMMITTEE OF EQUITY SECURITY
 HOLDERS OF USA CAPITAL
 DIVERSIFIED TRUST DEED FUND,
 LLC TO CLAIMS ON EQUITY
 MISFILED AS CREDITOR CLAIMS
 BY RALPH W. SHERER TRUST,
 CYNTHIA DEITZ, DEBRA S.
 BALLINGER, GWEN S. PATTON
 TRUST, ANDREW W. AND BETH
 MITCHELL, JEAN JACQUES
 LEBLANC, CFR, INC. DAVID R.
 AND MONICA D. FULLER TRUST,
 AND MICHAEL BAGINSKI**

Date: January 3, 2007
 Time: 9:30 a.m.
 Courtroom: 1

1 TO: **RALPH W. SHERER TRUST**
 2 **CYNTHIA DEITZ**
 3 **DEBRA S. BALLINGER**
 4 **GWEN S. PATTON TRUST**
 5 **ANDREW W. AND BETH MITCHELL**
 6 **JEAN JACQUES LEBLANC**
 7 **CFR, INC.**
 8 **DAVID R. AND MONICA D. FULLER TRUST**
 9 **MICHAEL BAGINSKI**
 10 **DEBTOR**
 11 **ATTORNEYS FOR DEBTOR**
 12 **U.S. TRUSTEE**
 13 **ALL PARTIES IN INTEREST**

14 **NOTICE IS HEREBY GIVEN** that the Official Committee of Equity Security Holders
 15 of USA Capital Diversified Trust Deed Fund, LLC (the "Diversified Committee") filed its
 16 Omnibus Objection of the Official Committee of Equity Security Holders of USA Capital
 17 Diversified Trust Deed Fund, LLC To Claims on Equity Misfiled as Creditor Claims (the
 18 "Objection"). The Objection is based upon the grounds that the proofs of claim described on
 19 Exhibit "1" attached hereto are claims on equity interests of debtor USA Capital Diversified
 20 Trust Deed Fund, LLC ("Diversified Fund") that have been erroneously filed as creditor claims
 21 against Diversified Fund, and that Diversified Fund has no liability on account of such misfiled
 22 claims. A copy of the Objection may be obtained at the bankruptcy court's website at
 23 <http://www.nvb.uscourts.gov/> or by contacting Beckley Singleton, Chtd. at (702) 385-3373.

24 Any Opposition must be filed pursuant to Local Rule 9014(d)(1).

25 Local Rule 9014(d)(1): "Oppositions to a motion must be filed and
 26 service must be completed on the movant no later than fifteen (15) days
 27 after the motion is served except as provided by LR 3007(b) and LR
 28 9006. If the hearing has been set on less than fifteen (15) days' notice,
 the opposition must be filed no later than five (5) business days before
 the hearing, unless the court orders otherwise. The opposition must set
 forth all relevant facts and any relevant legal authority. An opposition
 must be supported by affidavits or declarations that conform to the
 provisions of subsection (c) of this rule."

29 Please carefully review the Omnibus Objection included with this Notice, particularly
 30 Exhibit 1 referenced above concerning your claim(s).

1 IF ANY CREDITOR SHOULD DISAGREE WITH THE DTDF COMMITTEE'S
2 OBJECTION NOTED ABOVE, AND AS DISCUSSED IN THE OMNIBUS
3 OBJECTION, SUCH CREDITOR MUST FILE A RESPONSE TO THE OMNIBUS
4 OBJECTION AND SERVE IT UPON DTDF COMMITTEE'S COUNSEL NO LATER
5 THAN DECEMBER 26, 2006.

6 If you object to the relief requested, you *must* file a **WRITTEN** response to this
7 pleading with the court. You *must* also serve your written response on the person who sent you
8 this notice.

9 If you do not file a written response with the court, or if you do not serve your written
10 response on the person who sent you this notice, then:

- 11 • The court may *refuse to allow you to speak* at the scheduled hearing; and
- 12 • The court may *rule against you* without formally calling the matter at the
13 hearing.

14 NOTICE IS FURTHER GIVEN that the hearing on the said Objection will be held
15 before a United States Bankruptcy Judge, in the Foley Federal Building, 300 Las Vegas Blvd.
16 South, Third Floor, Bankruptcy Courtroom No. 1, at Las Vegas, Nevada on January 3, 2007 at
17 the hour of 9:30 a.m.

18 Respectfully submitted this 30th day of November 2006.

19 BECKLEY SINGLETON, CHTD.

20 By: /s/Anne Loraditch

21 Bob L. Olson (Nevada Bar No. 3783)
22 Anne M. Loraditch (Nevada Bar No. 8164)
23 530 Las Vegas Boulevard South
Las Vegas, NV 89101

24 Marc A. Levinson (California Bar No. 57613)
25 Lynn Trinka Ernce (California Bar No. 179212)
26 ORRICK, HERRINGTON & SUTCLIFFE LLP
400 Capitol Mall, Suite 3000
Sacramento, CA 95814-4497

27 *Attorneys for the Official Committee of Equity*
28 *Security Holders of USA Capital Diversified Trust*
Deed Fund, LLC

EXHIBIT "1"
CLAIMS ON EQUITY

Claim No.	Claimant	Claim Amount	Proposed Disposition
104-1	Ralph W. Sherer Trust	\$193,176.95	Reclassify as proof of interest
105-1	Cynthia Deitz Aka Cynthia L. Schulte	\$264.01	Reclassify as proof of interest
106-1	Debra S. Ballinger	\$29,632.19	Reclassify as proof of interest
107-1	Gwen S. Patton Trust	\$129,027.13	Reclassify as proof of interest
108-1	Andrew W. & Beth Mitchell	\$111,444.82	Reclassify as proof of interest
109-1	Jean Jacques Leblanc	\$66,050.02	Reclassify as proof of interest
110-1	Jean-Jacques Leblanc	\$768,757.17	Reclassify as proof of interest
113-1	CFR, Inc.	\$53,917.15	Reclassify as proof of interest
114-1	David R. Fuller and Monica D. Fuller Trust	\$261,687.87	Reclassify as proof of interest
115-1	Cynthia Deitz (fka Schulte)	\$264.01	Disallow as duplicative of Claim no. 105
117-1	Michael Baginski	\$288,283	Reclassify as proof of interest